

In the United States District Court
For the Northern District of Ohio
Western Division

Brian Keith Alford,

Plaintiffs

v.

Robert Zilles, et al.,

Defendants

Case No. 3: 21 cv 1123

Judge James Carr

Motion to for Additional Time
to Serve defendants Seger, Zilles
and Dr. Porter

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Counsel for Plaintiff

Now comes plaintiff, through his Attorney Patricia Horner, pursuant to FRCP 4, and hereby requests this Court grant them additional time by which to serve defendants Seger, Zilles and Dr. Porter.

Counsel accepted the Court's request to represent plaintiff and entered her appearance on or about June 28, 2023 [Doc. #25] and reviewed the docket for the status of the case, learning that service had not been perfected yet on any of the defendants. On or about that same date, Attorney Horner submitted the Praecipe and request for summons' be issued to all defendants [Doc. 25 & 26] and on July 6, 2023 she received the Clerk signed Summons'. [Doc. #27]. Counsel proceeded to serve all defendants at the then known addresses for them, that of Toledo Correctional prison.

Eventually all but 3 defendants were successfully served, the outstanding individuals are Robert Zilles, Dr. Porter and Dennis Seger.

Attorney Horner and Mr. Alford are requesting additional time in which to secure service on these 3.

Mr. Seger may still be at Toledo Correctional facility, but, Counsel needs to ensure that Mr. Seger received the earlier mailed documents to him, by serving him with U.S. certified mail as the earlier service did not request a signature due to Counsel's inadvertence and oversight.

As for defendants Dr. Porter and Zilles, Counsel received notice on July 27, 2023 from TOCI that neither of them worked at that facility. Counsel then tried to serve them through ODRC administration office in Columbus but was informed that neither individual works for the department any longer. See, attached letters Exhibits 1 and 2a & 2b.

Counsel has tried to locate these last 2 defendants and their last known addresses through an online people search engine, but, to no avail as she has insufficient information for them, i.e., there is not a full name available for Dr. Porter- her client does not know the doctor's first name and as to Robert Zilles this is insufficient information for locating him, a year of birth will help.

Counsel called ODRC Legal services to inquire about the defendant but did not receive a response, thus on October 23, 2023 Attorney Horner sent an email to defendants attorney Marcy Vonderwell asking for full names and year of birth only. Ms. Horner is waiting to hear back.

Meanwhile, plaintiff and his Attorney are asking this Court for a short amount of time to perfect service as she may learn something from defendants Attorney that will assist them in locating these 2 unserved defendants.

WHEREFORE, plaintiff and his Attorney respectfully request this Court grant them this motion for additional time by which to serve defendants Seger, Zilles and Dr. Porter.

Respectfully submitted,

/s/ Patricia Horner
Patricia Horner

Certificate of Service

This is to certify that a copy of the foregoing was delivered to Marcy Vonserwell and Andrew Gatti, Assist. OH A.G., attorneys for defendants, via this Court's electronic mail system on this 23rd day of October 2023.

/s/ Pat Horner
Pat Horner